

## Message Text

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DRAFTED BY L/M:TJRAMSEY:EJS

APPROVED BY L/M:HFSHAM;ELL

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FM SECSTATE WASHDC

TO AMEMBASSY LONDON

UNCLAS STATE 052253

FOR LEONARD CLARKE

E.O. 11652: N/A

TAGS: ACLM, BEXP

SUBJECT: APPEAL OF HERBERT I. MEYER

1. FOLLOWING INCLUDES THREE PROPOSED SETTLEMENT AGREEMENTS. FIRST IS ORIGINAL SUBMITTED BY MR. MEYER'S UNITED STATES ATTORNEYS. SECOND AND THIRD PROPOSALS WERE SUBMITTED BY COMMERCE. NOTE: PREFACE OF AGREEMENT REMAINS SAME ON ALL THREE PROPOSALS, DIFFERENCES ONLY TO NUMBERED CONDITIONS. HAVE AGREEMENTS TYPED SEPARATELY FOR PURPOSES OF DIRECT NEGOTIATION WITH MEYER. SUCH DISCUSSIONS SHOULD BE CONDUCTED AS SOON AS POSSIBLE ON PREMISES OF AMEMBASSY. MEETING SHOULD INCLUDE: MEYER AND HIS SOLICITER, COMMERCE REPRESENTATIVE, HUGH ROBERTSON AND APPROPRIATE DOS OFFICIAL(S). MEYER SHOULD BE CONTACTED IMMEDIATELY IN ORDER TO ARRANGE MEETING.

2. MEYER'S PROPOSED SETTLEMENT AGREEMENT READS:

(FYI, BEGIN PREFACE). QUOTE THIS AGREEMENT, MADE THIS BLANK DAY OF BLANK, 1976 BY AND BETWEEN HERBERT I. MEYER (HEREINAFTER REFERRED TO AS #MEYER") AND THE UNITED STATES OF AMERICA ACTING THROUGH AND BY THE DEPARTMENT OF STATE  
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(HEREINAFTER REFERRED TO AS "CONTRACTING AGENCY")

WITNESSETH:

WHEREAS MEYER AND CONTRACTING AGENCY ARE PARTIES TO A CERTAIN DISPUTE NOW PENDING BEFORE THE ARMED SERVICES BOARD OF CONTRACT APPEALS AS CASE NO. 20633 (HEREINAFTER REFERRED TO AS THE "APPEAL"); AND

WHEREAS THE PARTIES HERETO WISH TO RESOLVE THAT DISPUTE WITHOUT FURTHER DELAY AND PROCEEDINGS

NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES AND COVENANTS HEREIN CONTAINED, THE PARTIES, IN RESOLUTION AND COMPLETE SETTLEMENT OF THE AFOREMENTIONED CASE AND CERTAIN DISPUTES ARISING OUT OF CONTRACT NO. S22-FA-2824 (COMM) BETWEEN THE PARTIES, AGREE AS FOLLOWS: (FYI, END OF THE PREFACE).

(1.) CONTRACTING AGENCY WILL PAY TO MEYER THE SUM OF \$9,000 IN U.S. CURRENCY AT THE OFFICES OF THE UNITED STATES EMBASSY IN LONDON, ENGLAND ON OR BEFORE MARCH 8, 1976.

(2) MEYER AND HIS ASSOCIATE, MALCOLM COOK, WILL BE INVITED TO THE BICENTENNIAL CELEBRATIONS HELD AT THE U.S. TRADE CENTRE, LANGHAM PLACE, LONDON, ENGLAND (HEREINAFTER REFERRED TO AS THE "CENTRE") DURING THE CALENDAR YEAR 1976.

(3.) MEYER WILL BE PERMITTED FROM TIME TO TIME AT MUTUALLY CONVENIENT TIMES TO BRING CLIENTS AND ASSOCIATES TO THE CENTRE TO TOUR SAME AS ILLUSTRATIVE OF HIS WORK.

(4.) CONTRACTING AGENCY WILL CAUSE A SUITABLE PHOTOGRAPH OF MEYER TO BE SHAKING HANDS WITH THE DIRECTOR OF THE CENTRE TO BE PLACED UNDERNEATH THE GRAND SEAL IN THE RECEPTION LOBBY OF THE CENTRE. FURTHER, MEYER SHALL RECEIVE A COPY OF THAT PHOTOGRAPH OF EQUAL SIZE AND QUALITY PERSONALLY INSCRIBED BY THE DIRECTOR TO MEYER.

(5.) CONTRACTING AGENCY WILL, TO THE EXTENT POSSIBLE, UNCLASSIFIED

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PROVIDE MEYER WITH SUCH OPPORTUNITIES AS MAY ARISE FROM TIME TO TIME ON A COMPETITIVE FEE BASIS TO ACT AS A CONSULTANT ARCHITECT ON AT LEAST ONE EXHIBITION AT THE CENTRE DURING THE PERIOD MARCH 1, 1976 THROUGH

DECEMBER 31, 1977.

(6.) MEYER WILL SERVE AS AN EXPERT WITNESS OR MATERIAL

WITNESS, AS THE CASE MAY BE, AT HIS CUSTOMARY CONSULTING

FEE, IN ANY SUITS, APPEALS OR ARBITRATION PROCEEDINGS  
BROUGHT BY SUBCONTRACTORS AGAINST THE CONTRACTING AGENCY  
IN CONNECTION WITH THE CENTRE. IN ADDITION, MEYER WILL  
USE HIS BEST EFFORTS TO RESOLVE PENDING DISPUTES WITH  
D. L. VENN PLUMBERS AND CLIFFORD CEILINGS COMPANY.

(7.) CONTRACTING AGENCY WILL NOT SEEK ANY DAMAGES OR  
MONETARY CONTRIBUTION FROM MEYER IN CONNECTION WITH ANY  
AMOUNTS IT MAY PAY VOLUNTARILY OR INVOLUNTARILY TO  
D. L. VENN OR CLIFFORD CEILINGS.

(8.) CONTRACTING AGENCY WILL TAKE NO PUNITIVE ACTION  
AGAINST MEYER WITH ANY PROFESSIONAL ASSOCIATION OR  
GOVERNMENTAL AGENCY IN CONNECTION WITH THE SERVICES  
RENDERED OR FEES CHARGED BY MEYER TO THE CONTRACTING  
AGENCY IN CONNECTION WITH THE CENTRE. FURTHER, NO  
NEGATIVE REFERENCE WILL BE GIVEN BY THE CONTRACTING  
AGENCY OR THE DEPARTMENT OF COMMERCE IN CONNECTION WITH  
MEYER'S SERVICES OR FEES RELATED TO THE CENTRE, NOR  
SHALL THIS DISPUTE BE MENTIONED IN ANY SUCH REFERENCE.

(9.) MEYER WILL CAUSE THE APPEAL TO BE DISMISSED UPON HIS  
RECEIPT OF PAYMENT IN ACCORDANCE WITH SECTION 1 ABOVE.  
MEYER HEREBY AGREES THAT THE DEADLINE FOR FILING OF THE  
ANSWER OF THE CONTRACTING AGENCY IN THE APPEAL MAY BE  
EXTENDED BY THE BOARD OF CONTRACT APPEALS TO THE CLOSE OF

ITS BUSINESS ON MARCH 8, 1976.

(10.) THE PARTIES, BY ENTERING INTO THIS AGREEMENT OF COM-  
PROMISE, NEITHER ADMIT NOR DENY ANY WRONGDOING OR BREACH  
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OF THE SUBJECT CONTRACT BUT DO SO TO RESOLVE THEIR  
DIFFERENCES IN AN AMICABLE FASHION.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS  
AGREEMENT THE DAY AND YEAR FIRST ABOVE WRITTEN.

WITNESS: HERBERT I. MEYER

UNITED STATES DEPARTMENT OF  
STATE  
BY  
AUTHORIZED OFFICER

END QUOTE.

3. PROPOSED COMMERCE AGREEMENT D NO. ONE READS (PREFACE IS THE SAME AS ITEM 2. ABOVE);

QUOTE (1) CONTRACTING AGENCY WILL PAY TO MEYER THE SUM OF 9100 IN U.S. CURRENCY AT THE OFFICES OF THE UNITED STATES EMBASSY IN LONDON, ENGLAND, ON OR BEFORE MARCH 18, 1976.

QUOTE (2) THE PARTIES, BY ENTERING INTO THIS AGREEMENT OF COMPROMISE, NEITHER ADMIT NOR DENY ANY WRONGDOING OR BREACH OF THE SUBJECT CONTRACT BUT DO SO TO RESOLVE THEIR DIFFERENCES IN AN AMICABLE FASHION.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT, THE DAY AND YEAR FIRST ABOVE WRITTEN.

WITNESS: HERBERT I. MEYER

UNITED STATES DEPARTMENT OF STATE

BY  
AUTHORIZED OFFICER

END QUOTE.

4. PROPOSED COMMERCE AGREEMENT NO. TWO READS (PREFACE SAME AS IN MEYER AGREEMENT ABOVE);  
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QUOTE (1) CONTRACTING AGENCY WILL PAY TO MEYER THE SUM OF 8600 IN U.S. CURRENCY AT THE OFFICES OF THE UNITED STATES EMBASSY IN LONDON, ENGLAND, ON OR ABOUT MARCH 18, 1976.

QUOTE (2) MEYER AND HIS ASSOCIATE, MALCOLM COOK, WILL BE INVITED TO ALL BICENTENNIAL CELEBRATIONS HELD AT THE U.S. TRADE CENTRE, LANGHAM PLACE, LONDON, ENGLAND, (HEREINAFTER REFERRED TO AS THE "CENTRE") DURING THE CALENDAR YEAR 1976.

QUOTE (3) MEYER WILL BE PERMITTED FROM TIME TO TIME AT MUTUALLY CONVENIENT TIMES TO BRING CLIENTS AND ASSOCIATES TO THE CENTRE TO TOUR SAME AS ILLUSTRATIVE OF HIS WORK.

QUOTE (4) CONTRACTING AGENCY WILL, TO THE EXTENT POSSIBLE, PROVIDE MEYER WITH SUCH OPPORTUNITIES AS MAY ARISE FROM TIME TO TIME ON A COMPETITIVE FEE BASIS TO ACT AS A CONSULTANT ARCHITECT ON AT LEAST ONE EXHIBITION AT THE CENTRE DURING THE PERIOD MARCH 1, 1976 THROUGH DECEMBER 31, 1977.

QUOTE (5) MEYER WILL SERVE IF SO REQUESTED BY THE GOVERNMENT AS AN EXPERT WITNESS AT HIS CUSTOMARY CONSULTING FEE

OR AS A MATERIAL WITNESS WITHOUT FEE, AS THE CASE MAY BE, IN ANY SUITS, APPEALS OR ARBITRATION PROCEEDINGS BROUGHT BY SUBCONTRACTORS AGAINST THE CONTRACTING AGENCY IN CONNECTION WITH THE CENTRE. IN ADDITION, MEYER WILL USE HIS BEST EFFORTS TO RESOLVE PENDING DISPUTES WITH D. L. VENN PLUMBERS AND CLIFFORD CEILINGS COMPANY.

QUOTE (6) CONTRACTING AGENCY WILL NOT SEEK ANY DAMAGES OR MONETARY CONTRIBUTION FROM MEYER IN CONNECTION WITH ANY AMOUNTS IT MAY PAY VOLUNTARILY OR INVOLUNTARILY TO D. L. VENN OR CLIFFORD CEILINGS.

QUOTE (7) CONTRACTING AGENCY WILL TAKE NO PUNITIVE ACTION AGAINST MEYER WITH ANY PROFESSIONAL ASSOCIATION OR GOVERNMENTAL AGENCY IN CONNECTION WITH THE SERVICES  
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RENDERED OR FEES CHARGED BY MEYER TO THE CONTRACTING

AGENCY IN CONNECTION WITH THE CENTRE.

QUOTE (8) MEYER WILL CAUSE THE APPEAL TO BE DISMISSED UPON HIS RECEIPT OF PAYMENT IN ACCORDANCE WITH SECTION 1 ABOVE. MEYER HEREBY AGREES THAT THE DEADLINE FOR FILING OF THE ANSWER OF THE CONTRACTING AGENCY IN THE APPEAL MAY BE EXTENDED BY THE BOARD OF CONTRACT APPEALS TO THE CLOSE OF ITS BUSINESS ON MARCH 18, 1976.

QUOTE (9) THE PARTIES, BY ENTERING INTO THIS AGREEMENT OF COMPROMISE, NEITHER ADMIT NOR DENY ANY WRONGDOING OR BREACH OF THE SUBJECT CONTRACT BUT DO SO TO RESOLVE THEIR DIFFERENCES IN AN AMICABLE FASHION.

QUOTE IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT THE DAY AND YEAR FIRST ABOVE WRITTEN.

QUOTE WITNESS: HERBERT I. MEYER

UNITED STATES DEPARTMENT OF STATE

BY  
AUTHORIZED OFFICER

END QUOTE.

5. T. RAMSEY (L/M) WILL BE IN CONTACT WITH CLARKE AND

ROBERTSON TELEPHONICALLY PRIOR TO MEETING WITH MEYER  
TO GIVE BACKGROUND ON PRIOR NEGOTIATIONS WITH MEYER'S  
ATTORNEYS IN D.C. KISSINGER

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## Message Attributes

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